

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

BRIAN HUGHES
ADC #119986

PLAINTIFF

V. NO: 1:07CV00027 JLH/HDY

JAMES BANKS *et al.*

DEFENDANTS

ORDER

Plaintiff filed this complaint on June 6, 2007. Although Plaintiff's complaint was initially dismissed at screening, Plaintiff appealed, and, on September 3, 2008, the United States Court of Appeals for the Eighth Circuit affirmed in part, reversed in part, and remanded the matter for further proceedings. The Court's order found that Plaintiff's original due process and free exercise claims were properly dismissed, but concluded that Plaintiff's objections to the recommendation to dismiss should have been treated as a motion to amend, wherein he re-framed the bases for his Eighth Amendment and equal protection claims. Accordingly, Plaintiff's complaint, as amended, should be served on Defendants.

IT IS THEREFORE ORDERED THAT service is appropriate on Defendants, and the United States Marshal is directed to serve a copy of the complaint (docket entry #2), amended complaint (docket entry #10), this order, and summons, upon Defendants, without prepayment of fees and costs or security therefor.

DATED this 8 day of January, 2009.



UNITED STATES MAGISTRATE JUDGE